

*REMARKS/ARGUMENTS*

*The Pending Claims*

Claims 47-50, 53, 54, 56, and 60-80 are pending.

*Amendments to the Claims*

Claims 70-73 have been amended to depend from claim 53.

Claims 74-80 are new. Claims 75 recites a particular embodiment of claim 47. Claim 76 recites a particular embodiment of claim 48. Claims 77-80 are directed to an isolated cell as supported by the specification at, for example, page 21, lines 18-26.

No new matter has been added by way of these amendments to the claims.

*Summary of the Office Action*

The Office indicates that claims 53, 54, 56, and 66-69 are allowed.

The Office rejects claims 70-73 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite.

The Office provisionally rejects claims 47-49 and 60-65 as allegedly unpatentable on the grounds of nonstatutory obviousness-type double patenting over claims 3 and 11-15 of U.S. Patent Application 11/321,868.

The Office rejects claims 53, 54, 56, and 66-73 as allegedly unpatentable on the grounds of nonstatutory obviousness-type double patenting over claims 13-16 of U.S. Patent 6,756,038.

Reconsideration of these rejections is hereby requested.

*Discussion of Indefiniteness Rejections*

The Office contends that claims 70-73 depend from a canceled claim. Claims 70-73 have been amended to depend from claim 53. Applicants believe that the rejection is moot in view of the amendments to the claims.

*Discussion of the Provisional Nonstatutory Obviousness-Type Double Patenting Rejections*

The Office contends that claims 47-49 and 60-65 are unpatentable over one or more of claims 3 and 11-15 of U.S. Patent Application 11/321,868.

Applicants note that claims 3 and 11-15 of U.S. Patent Application 11/321,868 have been canceled in the "Reply to Office Action" dated August 3, 2009. Accordingly, Applicants request that the rejection be withdrawn.

*Discussion of the Nonstatutory Obviousness-Type Double Patenting Rejection*

The Office contends that claims 53, 54, 56, and 66-73 are unpatentable over claims 13-16 of U.S. Patent 6,756,038 ("the '038 patent").

In order to expedite the prosecution of the application, a terminal disclaimer is filed herewith rendering the obviousness-type double-patenting rejection moot. The filing of the terminal disclaimer is in no way an admission of obviousness as between the subject matter of claims 53, 54, 56, and 66-73 and the claims of the '038 patent.

*Conclusion*

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned agent.

Respectfully submitted,



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